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JAN 18 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Recker et al.	Atty. Dkt.: SC11244ZC
Serial No.: 09/654,253	Group Art Unit: 2128
Filed: September 1, 2000	Examiner: DAY, Heng Der
Title: MISMATCH MODELING TOOL	

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Date: January 17, 2005

**DECLARATION UNDER 37 C.F.R. §1.131**

Sir:

In compliance with 37 C.F.R. §1.131, the following Declaration and any attachments are provided to establish conception in the United States of claimed subject matter in the above referenced patent application (hereinafter "the Subject Application") and diligence to the filing of the Subject Application on September 1, 2000 from a date prior to August 24, 2000, the effective date of U.S. Patent No. 6,560,755 (hereinafter "the '775 Patent"). The '775 Patent was cited by the Examiner in an Office Action dated November 17, 2004 to support a rejection under 35 U.S.C. 103(a) of the claims for the Subject Application.

SC11244ZC Declaration under 37 C.F.R. §1.131

We, Cynthia L. Recker and Patrick G. Drennan, the undersigned, do hereby depose and sayeth:

1. That we are the named inventors for the claimed subject matter of the Subject Application, that we were at the time of the invention employed by the Semiconductor Products Sector of Motorola, Inc., the original Assignee of the Subject Application, and that we are presently employed by Freescale Semiconductor, Inc., a separate entity created by divestiture that includes the previous Semiconductor Products Sector of Motorola, Inc., and is the present Assignee of the Subject Application.

2. That prior to August 24, 2000, the effective date of the '775 Patent, during the course of employment by the Semiconductor Products Sector of Motorola, Inc., we had conceived of and conceptualized the MISMATCH MODELING TOOL as disclosed and claimed in the Subject Application.

3. That the claimed subject matter of the Subject Application was the subject of a written Patent Disclosure (attached as Appendix I) prepared after conception, and that before August 24, 2000, the effective date of the '775 Patent, the Patent Disclosure was submitted and presented (Presentation attached as Appendix II) to a Patent Committee of Semiconductor Products Sector of Motorola Inc. for consideration and assignment to a patent attorney for preparation and filing of a patent application.

4. That the Patent Disclosure and Presentation are known to us to be true copies which, based on information and belief, evidences such conception and that each of the dates redacted from the Patent Disclosure and Presentation is prior to August 24, 2000, the effective date of the '775 Patent.

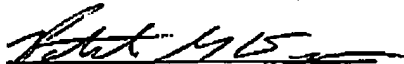
5. That on information and belief the Subject Application was prepared and filed, in due course, in the United States Patent Office on September 1, 2000 by or on behalf of Semiconductor Products Sector of Motorola Inc.

SC112442C Declaration under 37 C.F.R. §1.131

6. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Subject Application or any patent which issues thereon.

\_\_\_\_\_  
Cynthia L. Recker,  
Member of the Technical Staff  
Freescale Semiconductor, Inc.

Dated: \_\_\_\_\_

  
Patrick G. Drennan  
Member of the Technical Staff  
Freescale Semiconductor, Inc.

Dated: 1/17/05

**BEST AVAILABLE COPY****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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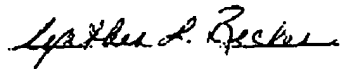
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Page 2 of 3

SCI1244ZC Declaration under 37 C.F.R. §1.131

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Cynthia L. Recker,  
Member of the Technical Staff  
Freescale Semiconductor, Inc.

Dated: 1-17-05

\_\_\_\_\_  
Patrick G. Drennan  
Member of the Technical Staff  
Freescale Semiconductor, Inc.

Dated: \_\_\_\_\_